

REDACTED

In United States District Court  
For the District of Delaware

REDACTED

UNITED STATES OF AMERICA

v.

REDACTED

Criminal Complaint

CASE NUMBER: 07-193M

Eric Holmes  
Defendant

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 7, 2007 in the District of Delaware, Defendant Eric Holmes did knowingly possess in and affecting interstate commerce, a firearm, after having been convicted on or about July 30, 2007, of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 United States Code, Section(s) 922(g)(1) and 924(a)(2) and further state that I am a(n) Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes

Veronica M. HnatVeronica M. Hnat  
Special Agent, ATF

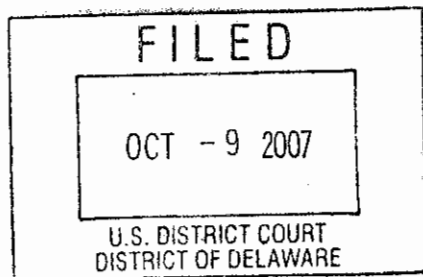
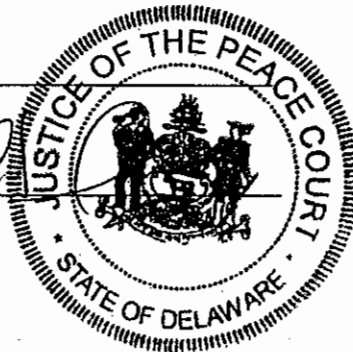
Sworn to before me and subscribed in my presence,

Oct 7<sup>th</sup>, 2007  
Date

at

Wilmington, DE  
City and StateBeatrice A. Fred  
Name & Title of Judicial Officer

Signature of Judicial Officer

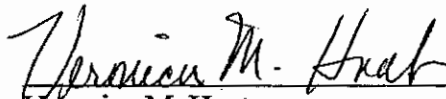
Beatrice A. Fred

I, Veronica M. Hnat, being duly sworn, state as follows:

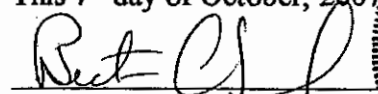
1. I am a Special Agent with the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and have been so employed for over eighteen years. During that time, my duties have included the investigation of firearms offenses at both the State and Federal levels. Your Affiant is currently assigned to the Operation Disarm Task Force and has been so assigned since October, 2003. During the course of your affiant's law enforcement career, your affiant has received law enforcement training on the investigation of firearms offenses on over fifty occasions. Your affiant has participated in over one hundred investigations of firearms offenses and participated in the seizure of over fifty firearms. Your Affiant has also had over one hundred conversations with police officers and Federal agents about the facts and circumstances of firearms offenses. Your Affiant has been employed as a law enforcement officer in various capacities since 1989.
2. Unless otherwise stated, the information in this affidavit is based upon your affiant's personal knowledge.
3. The seizure of all the below stated evidence occurred on October 7, 2007, in the City of Wilmington, State and District of Delaware, as stated to me by Wilmington Police Officers who have personal knowledge of the stated facts.
4. On October 7, 2007, at approximately 0116 hours, Wilmington Police were on routine patrol and stopped south bound on Lombard Street, between 9<sup>th</sup> and 10<sup>th</sup> Streets, in the city of Wilmington, New Castle County, State of Delaware. While being stationary in their vehicle that Officers observe a vehicle driven by Eric Holmes, ("the defendant" here on), B/M, DOB: going east bound on 9<sup>th</sup> street and make a right on to Lombard Street. The Officers know the defendant by sight and have seen him drive this same vehicle on several occasions before. The Officers also are aware that Eric Holmes' driving license is suspended.
5. The Officers observe the defendant go south on Lombard and make a right turn onto 8th Street without signaling to make a turn. The Officers at this time engage their emergency lights and observe the defendant making turning and twisting motions in the driver's seat. The defendant does not pull the vehicle over but instead pulls into the parking lot of the Compton Townhomes, again without signaling for a turn.
6. The defendant continues to go further into the parking lot and then stops the vehicle. The Officers approach the vehicle, the Officer approaching the driver's side of the vehicle observes a loaded Beretta, Model 92F, 9mm pistol, serial number BER091849Z on the floor, in plain view between the rear passenger's legs. This passenger is directly behind the defendant in the vehicle. All occupants are removed from the vehicle and transported to Wilmington Police Department.
7. The occupant in the rear passenger seat is mirandized and interviewed by Wilmington Police. The occupant stated that he/she was getting a ride by the defendant and that when the police

attempted to stop them the defendant reached behind his seat and placed the firearm in the backseat on the floor between his/her legs.

8. The occupant further stated that when they arrived at Wilmington Police Station he/she heard the defendant call him/her by name stating, "Yo, you got me?" the back seat occupant yells back, "I can't have this, I got a daughter, and I'm not taking this for you." In which the defendant replies, "I got kids too. If you got me, I got you."
9. Your affiant reviewed the computer criminal history information for the defendant from the Delaware Justice Information System and learned that the defendant has a prior felony conviction and pled guilty to Assault 2<sup>nd</sup> Degree on or about July 30, 2007, in the Superior Court of Delaware, New Castle County, which is a crime punishable by imprisonment for a term exceeding one year.
10. From your affiant's training and experience, and from prior discussions with ATF Agents who are expertly trained and experienced in determining the interstate nexus of firearms, your affiant knows that the above mentioned firearm was manufactured in a state other than Delaware such that its possession in Delaware would have necessarily required that the firearm had crossed state lines prior to its possession in Delaware and such that the possession of that firearm in Delaware affected interstate commerce.
11. Based upon your affiant's training and experience, your affiant submits that there is probable cause to believe that the above-mentioned seized firearm contained the frame and receiver of a firearm, and that the firearm appeared to be capable of expelling a projectile by action of an explosive.
12. Wherefore, based upon your affiant's training and experience, your affiant believes that there is probable cause to believe that the defendant violated 18 U.S.C. 922(g) and 924(a)(2) by possessing in and affecting interstate commerce a firearm, after having previously been convicted of a felony and respectfully requests that the Court issue a Criminal Complaint charging that offense.

  
Veronica M. Hnat  
Special Agent, ATF

Sworn to and subscribed in my presence  
This 7<sup>th</sup> day of October, 2007

  
Justice of the Peace Court 20 Magistrate Judge

